

CLERK, U.S. DISTRICT COURT
BY _____
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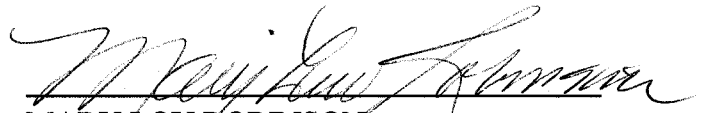
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This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that defendant's "FRCP 12(b)(6) Motion to Dismiss and in the Alternative FRCP 12(e) Motion for More Definitive Statement" is DENIED.

IT IS SO ORDERED.

ENTERED this 20th day of February, 2009.


MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE